UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 22

Application Number: 09/574,317
Filing Date: May 19, 2000
Appellant(s): POLCYN, MICHAEL J.

JERRY L. MAHURIN
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed AUG 29, 2003

(1)   Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2)   Related Appeals and Interferences

A statement identifying no related appeals and interferences which will directly

affect or be directly affected by or have a bearing on the decision in the pending appeal

is contained in the brief.

(3)   Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4)   Status of Amendments After Final

No amendment after final has been filed.

(5)   Summary of Invention

The summary of invention contained in the brief is correct.

(6)   Issues

The appellant's statement of the issues in the brief is correct.

The rejection of claims 6-7, 13-14 and 20 under 35 U.S.C. 102(b) is no longer an

issue because Examiner is now withdrawing that rejection. Attempts to discuss the

claims and move the case to allowance during telephone interviews failed.

(7)   Grouping of Claims

Appellant's brief includes a statement that claims 1-15 and 17-20 do not stand or

fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8)   Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

PATENT NUMBER	INVENTOR'S NAME	ISSUED DATE
5,276,731	Arbel et al	Jan 04, 1994
5,329,578	Brennan et al	Jul 12, 1994
5,388,150	Schneyer et al	Feb 07, 1995
5,436,963	Fitzpatrick et al	Jul 25, 1995
5,500,938	Cahill et al	Mar 19, 1996
5,610,970	Fuller et al	Mar 11, 1997
5,864,848	Horvitz et al	Jan 26, 1999
5,872,84	King et al	Feb 16, 1999

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

1.   Claims 1-5, 8-12, 15 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Arbel et al (US Pat No. 5,276,731).

Regarding claim 1, Arbel et al teach re-routing incoming calls on the basis of predetermined selection criteria such as time and date (see Abstract and the second table on col. 10, lines 20-28). Arbel et al teach a system (as shown in Figure 1) for completing calls from a calling party (e.g., caller associated with telephone set "100") directed to a particular called party (e.g., user associated with "IVDT 130", not shown), said system comprising:

calendaring information (e.g., date and time stored in "DATABASE 360" , Fig. 3,

associated with an event, for example from 08:00AM to 04:00PM in the event of

absence from a shift, calls directed to Peter Parker should be transferred to first or

second target extensions) with respect to said called party (e.g., user associated with

"IVDT 130" such as Peter Parker), stored on a general purpose processor-based

system (e.g., "DATABASE 360") (col 10, lns 11-68); and

means (e.g., controller 370, Fig. 3) for providing select portions of said

calendaring information (e.g., time and day associated with an event are set up by the

user associated with "IVDT 130" and stored in "DATABASE 360") to an automatic call

routing system (e.g., IVDT 130), wherein a call routing scheme of said call routing

system is modified to route calls as a function of said select portions of said calendaring

information (i.e., re-routing the incoming call in accordance with calendar information

entered or updated by the user associated with "IVDT 130") (col. 10, lns 11- 27; and col.

12, lns 7-19; and col. 13, lns 4-13).

Regarding claim 2, Arbel et al further teach the calendaring information

("DATABASE 360") comprises a data "file associated with" an electronic calendar

program "operable" on a personal computer (e.g., "DATA BASE 360" within "SYSTEM

140" operable in conjunction with "IVDT 130" wherein the "IVDT 130" is a combination

of a telephone and a personal computer that is used for configuring (programming) time

and day and where that the user wants his incoming calls to be re-routed) (col 7, lns 62-

64 and col 10, lns 41-68)

Regarding claim 3, Arbel et al further teach the providing means ("DATABASE 360") is operable automatically (col 12, lns 7-19).

Regarding claim 4, Arbel et al further teach the automatic operation of said providing means ("DATABASE 360") is initiated upon modification (updating or entering) of said calendaring information (time of day) stored on said general purpose processor-based system ("DATABASE 360") (col 10, lns 11-27 and col 10, lns 41-68).

Regarding claim 5, Arbel et al further teach the automatic operation of said providing means ("DATABASE 360") is initiated at a pre-selected time interval (col 10, lns 11-27 and col 12, lns 7-19).

As to claims 8-12, they are rejected for the same reasons set forth to rejecting claims 1-5 above, since claims 8-12 are merely a method of operation for the system defined in the system claims 1-5 .

As to claims 15 and 17-19, they are rejected for the same reasons set forth to rejecting claims 1 and 3-5, respectively.

Allowable Subject Matter

Claims 6-7, 13-14 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(11) Response to Argument

In regards to rejection of claims 1, 8 and 15, under 35 U.S.C. 102(b), Appellant

argues (pages 7-11, Brief) that Arbel et al do not teach the "calendaring information".

Examiner respectfully disagrees because it is well-known that a calendar

includes year, month, date or day. Any specific year, month, date or day allocated for a

desired event, for example for a specific time interval such as from 08:00AM to

04:00PM on Saturday and Sunday, in the event of absence from a shift, calls directed to

Peter Parker should be transferred to a first or second target extension. This is

considered as "calendaring information". Table shown at line 12 of column 10 in Arbel et

al reads on the broadly recited "calendaring information".

Appellant further argues (page 8, Brief) that the database where the calendar

information is stored in by Arbel et al has no multiple functions as the claimed "general

purpose processor-based system". Examiner respectfully disagrees because neither

Appellant's claims nor specification gives examples of "other functions" performed by

the general purpose processor-based system. In Arbel et al, the database is used to

perform many embodiments, see at least the tables in Arbel et al, and therefore, it is a

"general purpose".

Appellant further argues (page 8, Brief) that "Arbel et al fail to disclose providing

selected portions of the calendaring information to an automatic call routing system".

Examiner respectfully disagrees because Arbel et al teach a database such as

database 360 for providing selected portions of the calendaring information such as an

appropriate telephone number for a specific time and day. For example, from 04:00PM

to 12:00AM on Saturday and Sunday as shown in column 10, line 25, a specific

selected phone number is provided to the IVDT for causing the IVDT to automatically redirect the call in accordance with the selected portions of the calendaring information configured by the user associated with the IVDT (see column 10, lines 11-27 and column 13, lines 4-13).

Appellant further argues (page 8, Brief) that Arbel et al fail to disclose "a call routing scheme of said call routing system is modified to route calls as a function of said select portions of said calendaring information". Examiner respectfully disagrees because Arbel et al teach that the IVDT 130 redirecting the incoming call in accordance with calendar information configured by the user associated with the VDT 130) (col. 10, lns 11- 27 and col. 12, lns 7-19).

As for the claimed "data file associated with an electronic calendar program operable on a personal computer" (claims 2, 9 and 15), at best, this reads on any data file that is "operable on a personal computer". The claimed "data file" being "associated with" an electronic calendar has no clear or defined meaning. Any data file (time, day, Microsoft outlook, etc.) may be used by Arbel and a personal computer. Arbel and PC's, inherently, process a "data file" "associated" with "calendaring information".

Similar to the claimed limitation of "providing the selected portions of the calendaring information to the call routing system automatically" (claims 3, 10 and 17), Arbel et al disclose the database 360 for automatically providing a selected portions of the calendaring information such as an appropriate telephone number for a specific time and day. For example from 04:00PM to 12:00AM on Saturday and Sunday as shown in column 10, line 25, telephone number X5203 is provided to the IVDT for causing the

IVDT to automatically redirect the call to that number (see column 10, lines 11-27 and column 13, lines 4-13).

As to claims 4, 11 and 18, Appellant argues that Arbel et al fail to teach the feature of "automatic operation upon modification of calendaring information". Examiner respectfully disagrees because as shown in column 10, lines 11-27, Arbel et al teach that Peter Parker is enabled to <u>set up</u> a selective call re-routing entry (e.g., specific time , day and appropriate telephone numbers) in the database. Inherently Peter Parker can set it up again (i.e., update or re-configure the re-routing entry).

As to claims 5, 12 and 19, Appellant argues that Arbel et al fail to teach the feature of "automatic operation of said providing means is initiated at a pre-selected time interval". Examiner respectfully disagrees because as shown in column 10, lines 11-27, Arbel et al teach that in response to an incoming call, in a pre-selected time interval such as from 04:00PM to 12:00AM on Saturday and Sunday, a database 360 is initiated and automatically provides the appropriate telephone number(s) where the incoming call should be directed to in the event of Peter's absence (see column 10, lines 11-27 and column 13, lines 4-13).

In summary, Appellant's claims recite very broad terms such as "calendaring information", "general purpose processor", and "file ... operable on a personal computer". These broad limitations read on Arbel et al.
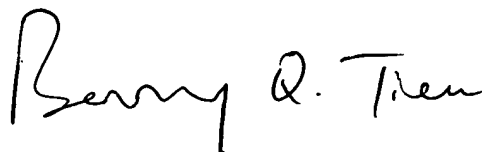
For above reasons, it is believed that the rejections should be sustained.

CONFEREES:

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Primary Examiner

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Supervisory Patent Examiner